

Agilent Ref: 10021090-1
United States Application Serial No. 10/693,064

RESPONSE

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-26 and 35-42 the only claims pending and currently under examination in this application.

Formal Matters

Claims 1-26 and 35-42 are pending after entry of the amendments set forth herein

Claims 1-26 and 35-42 were examined. Claims 1-4, 6-11, 13-18, 21-26, and 35-36 were rejected and claims 5, 12, 19, 20 and 37 were objected to. No claims were allowed.

Claims 1, 35, 40, 41, and 42 have been amended. Support for the amendments can be found in the claims as originally filed and throughout the specification at, for example, Figure 4H. In addition, a number of the claims have been amended to correct the term para-xylene to poly para-xylene, the latter term being the correct generic term for Parylene. See e.g., http://www.uniglobe-kisico.com/dix_introduction.htm.

As the above amendments introduce no new matter to the application, their entry is respectfully requested.

Allowable Subject Matter

The Applicants express gratitude in the Examiner's indication that claims 5, 12, 19-20, and 37 are directed to allowable subject matter.

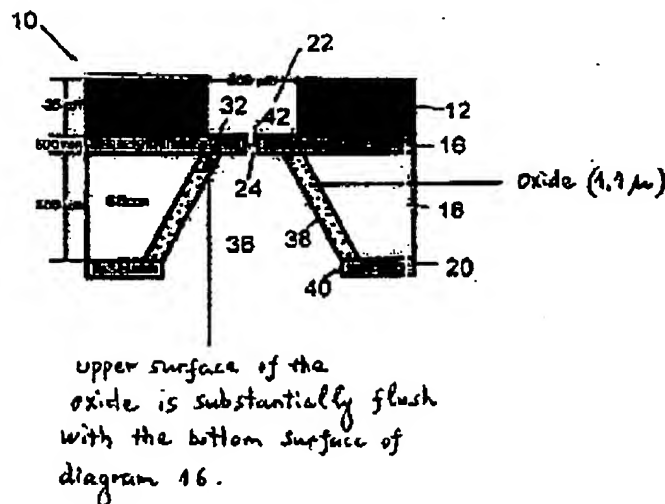
Rejection under 35 U.S.C. §102

The Advisory Action has maintained the rejection of claims 1-4, 6-11, 13, 15, 17, 21-25 35-36, 38-39, and 41-42 under 35 U.S.C. §102 for allegedly being anticipated by Bloom et al. (U.S. Patent No. 6,863,833). In view of the amendments and remarks made herein, this rejection is respectfully traversed.

In maintaining the rejection the Advisory Action notes that the "upper surface of the oxide [of the structure in the cited reference] is substantially flush with the

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 United States Application Serial No. 10/693,064

bottom surface of [structure] 16" (Advisory Action, page 2). In support, the Advisory Action provides the following edited version of Fig. 1A of the cited reference:



In the spirit of expediting prosecution and without conceding as to the correctness of the rejection, claims 1, 35, 41, and 42 have been amended for clarity to recite that the second region is positioned between a portion of the bottom surface of the first region and a portion of an upper surface of the substrate region.

As demonstrated above, any oxide layer present on element 18 of Fig. 1A will not have this recited position, i.e., it will not be positioned between a portion of the bottom surface of the first region and a portion of an upper surface of the substrate region.

As such, the cited reference does not teach each and every limitation found in the claims. Therefore, since the cited reference fails to anticipate claims 1-4, 6-11, 13, 15, 17, 21-25, 35-36, 38-39, and 41-42, the Applicants respectfully request that this rejection be withdrawn.

Rejection under 35 U.S.C. §103

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The Office Action has maintained the rejection of claims 14, 16, 18, 24, 26, and 40 under 35 U.S.C. §103 as being unpatentable for allegedly being rendered obvious by Bloom et al., (U.S. Patent No. 6,863,833) in view of Fishman et al. (U.S. Patent Application 2003/0032946). In view of the amendments and remarks made herein this rejection is respectfully traversed.

As noted above, claims 1 and 40 have been amended to recite that the **second region is positioned between a portion of the bottom surface of the first region and a portion of an upper surface of the substrate region.** As reviewed above, nowhere in Bloom et al. is a second region as claimed taught, or even suggested, since the oxide layer of Bloom et al. which is equated by the office to the second region is actually present on the face of element 18 of Fig. 1A.

There is no teaching or suggestion in Bloom et al. to provide a second region as claimed that both laterally surrounds the first region and **is positioned between a portion of the bottom surface of the first region and a portion of an upper surface of the substrate region.** As the supplemental Fishman et al. reference has been cited for teaching microfluidic leads, this reference does not make up the deficiencies in the primary reference.

As such, the combined cited references do not teach each and every limitation found in the claims. Therefore, since the cited references fail to render claims 14, 16, 18, 24, 26, and 40 obvious, the Applicants respectfully request that this rejection be withdrawn.

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CONCLUSION

The Applicants respectfully submit that all of the claims are in condition for allowance, which action is requested. The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

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